

MINUTES

COURT OF APPEAL  
STATE OF CALIFORNIA  
FIRST APPELLATE DISTRICT

Wednesday, March 1, 2000

Division Two

**A086792 -- The Lucas Dealership Group et al. v. Motors Insurance Corporation.**

The judgment is affirmed. MIC is awarded costs. Lambden, J. We Concur: Kline, P.J., Haerle, J. (Not for Publication.)

Division Four

**A087892 -- The People v. John E. Gilligan.**

The judgment of conviction is affirmed. Poché J. We Concur: Hanlon, P.J., Sepulveda, J. (Not for Publication.)

**A087538 -- In re Sabrina J., a Person Coming Under the Juvenile Court Law.**

The dispositional order is affirmed. Reardon, J. We Concur: Poché Acting P.J., Sepulveda, J. (Not for Publication.)

Division Five

**A087847 -- Victor G. Sison v. Classic Bowling Center, Inc.**

The orders of the trial court are affirmed. Stevens, J. We Concur: Jones, P.J., Haning, J. (Not for Publication.)

## MINUTES

### CALIFORNIA COURT OF APPEAL FIRST APPELLATE DISTRICT DIVISION ONE

Wednesday, March 1, 2000

The Court convened at 9:00 a.m. in its courtroom at 350 McAllister Street, Fourth Floor, San Francisco. Present: Strankman, P.J., Stein, J., and Swager, J.; N. Millner, Deputy Clerk; and CHP Officer S. Aldridge, Bailiff.

A084480     The People,  
              v.  
              Antonio Gonzales.  
Cause called and argued by Richard Such, counsel for appellant, and Christina Kuo, Deputy Attorney General, counsel for respondent. Cause ordered submitted.

A087431     Wallace F. Smith,  
              v.  
              University of California.  
Cause called and argued by Angela Alioto, counsel for appellant, and Kenneth L. Kann, counsel for respondent. Cause ordered submitted.

A086951     Stephen Hawkins,  
              v.  
              Fantasy, Inc.  
Cause called and argued by Robert S. Besser, counsel for appellant, and Paul N. Halvonik, counsel for respondent. Cause ordered submitted.

At this point in the proceedings, Justice Stein left the bench and Justice Marchiano joined the bench for the remainder of the morning calendar.

A085117     The People,  
              v.  
              James Oliver Hardy, Sr.  
Cause called and argued by Marvin Rous, counsel for appellant, and Ross C. Moody, Deputy Attorney General, counsel for respondent. Cause ordered submitted.

A087470 Christine Lynette Kuns, et al.

v.

City of Ukiah, et al.

Cause called and argued by Linda Mitlyng and Thomas Johnson, counsel for appellants, and Adrienne Moran, counsel for respondents. Cause ordered submitted.

Court recessed until 1:30 p.m.

MINUTES

CALIFORNIA COURT OF APPEAL  
FIRST APPELLATE DISTRICT  
DIVISION ONE

Wednesday, March 1, 2000

The Court reconvened at 1:30 p.m. in its courtroom at 350 McAllister Street, Fourth Floor, San Francisco. Present: Stein, Acting P.J., Swager, J., and Marchiano, J.; B. Robbins, Deputy Clerk; and CHP Officer L. Thomas, Bailiff.

A087282     The People,  
                 v.  
                 Gerry Fernandez Macariola.  
Cause called and argued by John J. Jordan, counsel for appellant, and Thomas A. Brady, Deputy Attorney General, counsel for respondent. Cause ordered submitted.

A086721     Zee Medical Distributor Association, Inc.,  
                 v.  
                 Zee Medical, Inc.  
Cause called and argued by Allan P. Hillman, counsel for appellant, and Charles S. Treat, counsel for respondent. Cause ordered submitted.

Court recessed until Thursday, March 2, 2000 at 9:00 a.m.

## MINUTES

### CALIFORNIA COURT OF APPEAL FIRST APPELLATE DISTRICT DIVISION ONE

Thursday, March 2, 2000

The Court reconvened at 9:00 a.m. in its courtroom at 350 McAllister Street, Fourth Floor, San Francisco. Present: Strankman, P.J., Stein, J., and Marchiano, J.; N. Millner, Deputy Clerk; and CHP Officer S. Aldridge, Bailiff.

- A086118     The People,  
              v.  
              Wesley Bernard Clement.  
Cause called and argued by Scott Sugarman, counsel for appellant, and Juliet B. Haley, Deputy Attorney General, counsel for respondent. Cause ordered submitted.
- A087051     Harold K. Ostin,  
              v.  
              Glenwood Inn, et al.  
Cause called and argued by John F. Anderson, counsel for appellant, and Barbara A. Caulfield, counsel for respondents. Cause ordered submitted.
- A085768     Rhonda Dee Larson,  
              v.  
              Pacific Bell.  
Cause called and argued by Sheila Reid, counsel for appellant, and Andrew L. Barber, counsel for respondent. Cause ordered submitted.
- A086878     David DeForrest,  
              v.  
              Atchison Village Mutual Homes Corporation.  
Cause called and argued by Stephen Barbi, counsel for appellant, and Richard H. Bartke, counsel for respondent, via teleconference. Cause ordered submitted.

Court adjourned.

MINUTES

COURT OF APPEAL  
STATE OF CALIFORNIA  
FIRST APPELLATE DISTRICT

Friday, March 3, 2000

Division Two

**A082615 -- In re the Marriage of Marriage of Carlos M. and Delmy Loucel.**

The court's judgment is affirmed. Lambden, J. We Concur: Kline, P.J., Ruvolo, J. (Not for Publication.)

**A087128 -- Gabriel Martinez et al., v. Scott Specialty Gases, Inc., et al.**

The judgment is affirmed. Lambden, J. We Concur: Haerle, Acting P.J., Ruvolo, J. (Not for Publication.)

**A085136 -- G.L. Mezzetta, Inc., v. City of American Canyon.**

The order of dismissal is affirmed. Costs on appeal to the City. Kline, P.J. We Concur: Haerle, J., Ruvolo, J. (Certified for Partial Publication.)

**A085948 -- The People v. Kevin A. Krueckemeier.**

The judgment is affirmed. Kline, P.J. We Concur: Haerle, J., Lambden, J. (Not for Publication.)

**A090117 -- In re Charles Harrington, on Habeas Corpus.**

By the Court: The petition for writ of habeas corpus is denied. Kline, P.J.

**A090116 -- In re A. Garnica, on Habeas Corpus.**

By the Court: The petition for writ of habeas corpus is denied. Kline, P.J.

**A090148 -- In re Michael A. Aaron Sr., on Habeas Corpus.**

By the Court: The petition for writ of habeas corpus is denied. Kline, P.J.

Friday, March 3, 2000 (continued)

Division Five

**A085666 -- Carmel Lujan v. Sequoia Health Services.**

The judgment is reversed. Haning, J. We Concur: Jones, P.J., Stevens, J.  
(Not for Publication.)

**A087995 -- Russell Jacobus v. Krambo Corporation.**

The judgment is reversed, and the trial court is directed to grant appellant's motion for summary judgment. Costs are awarded to appellant. Haning, J. We Concur: Jones, P.J., Stevens, J. (Certified for Publication.)

MINUTES

COURT OF APPEAL  
STATE OF CALIFORNIA  
FIRST APPELLATE DISTRICT

Monday, March 6, 2000

Division Two

**A085150 -- Miguel Perdomo v. Workers' Compensation Appeals Board and Westvaco Envelope Company.**

The WCJ properly concluded that Westvaco's June 1998 petition for reconsideration was untimely filed, and the Board erred in deeming it otherwise. Therefore, the Board's November 6, 1998 opinion and order denying Perdomo's September 9, 1998 petition for reconsideration of its August 31, 1998 opinion and decision after reconsideration is revoked, and the matter remanded to the Board with instructions to grant Perdomo's petition and issue an opinion and decision after reconsideration consistent with our opinion herein. Parties will bear their own costs. Ruvolo, J. We Concur: Kline, P.J., Lambden, J. (Not for Publication.)

**A088220 -- In re Joseph C., a Person Coming Under the Juvenile Court Law.**

We affirm. Kline, P.J. We Concur: Haerle, J., Lambden, J. (Not for Publication.)

Monday March 6, 2000 (continued)

Division Four

**A084452 -- The People v. Robert Michael Benson.**

**A086550 -- In re Robert Michael Benson on Habeas Corpus.**

Order Modifying Opinion and Denying Rehearing [No Change in Judgment] The Court: It is ordered that the opinion filed herein on February 15, 2000, be modified as follows: (SEE ORDER) There is no substantive change in the judgment. The petition for rehearing is denied. Hanlon, P.J. (Not for Publication.)

Division Five

**A086185 -- In re Thomas H. et al., Persons Coming Under the Juvenile Court Law.**

The order of the juvenile court is affirmed. Stevens, J. We Concur: Jones, P.J., Haning, J. (Not for Publication.)

MINUTES

COURT OF APPEAL  
STATE OF CALIFORNIA  
FIRST APPELLATE DISTRICT

Tuesday, March 7, 2000

Division One

**A087282 -- The People v. Gerry Macariola.**

The judgment is affirmed. Stein, Acting P.J. We Concur: Swager, J., Marchiano, J. (Not for Publication.)

**A089702 -- Adoption of Pierce C.**

By the Court: On February 7, 2000, based upon notice from Solano County that appellant had not tendered the filing fee, we dismissed this appeal. At that time, through inadvertence, we treated this matter as an ordinary civil appeal. Instead, appellant appeals from an order terminating his parental rights and freeing the minor for adoption. No filing fee is required. The dismissal order is vacated and the appeal is reinstated (Fam. Code, § 7895; *Appellate Defenders, Inc. v. Cheri S.* (1995) 35 Cal.App.4th 1819.) Strankman, P.J.

**A089541 -- In re Daryllane Q., a Person Coming Under the Juvenile Court Law.**

The challenged orders are supported by substantial evidence, and the mother has waived any objection thereto. (*James B. v. Superior Court* (1995) 35 Cal.App.4th 1014, 1021.) The petition for extraordinary writ is denied on the merits. (See Cal. Const., art. VI, § 14; *Kowis v. Howard* (1992) 3 Cal.4th 888, 894; *Bay Development, Ltd. v. Superior Court* (1990) 50 Cal.3d 1012, 1024. The section 366.26 hearing is set for April 10, 2000. Therefore, our decision is final in this court immediately. Strankman, P.J. We Concur: Swager, J., Marchiano, J. (Not for Publication.)

**A085117 -- The People v. James Oliver Hardy.**

The judgment is affirmed. Strankman, P.J. We Concur: Swager, J., Marchiano, J. (Not for Publication.)

Tuesday, March 7, 2000 (continued)

**A087712 -- The People v. Mepamuceno Aguilar.**

The judgment is affirmed. Stein, J. We Concur: Strankman, P.J., Swager, J. (Not for Publication.)

**A086937 -- In re Nicole K., a Person Coming Under the Juvenile Court Law.**

The judgment is affirmed. Swager, J. We Concur: Strankman, P.J., Stein, J. (Not for Publication.)

Division Two

**A086542 -- In re Laquan W., a Person Coming Under the Juvenile Court Law.**

The judgment is affirmed. Lambden, J. We Concur: Kline, P.J., Ruvolo, J. (Not for Publication.)

**A090217 -- In re Charles Jackson, on Habeas Corpus.**

By the Court: The petition for writ of habeas corpus is denied. Kline, P.J.

**A090107 -- William Theuer v. The Superior Court of San Francisco County; Mazda Motor Corporation, Et Al., R.P.I.**

By the Court: The petition for writ of mandate/ stay is denied. Kline, P.J.

**A085374 -- Donald R. Lucas v. Geoffrey M. Griffin.**

For the foregoing reasons, the trial court's order and judgment is affirmed. Lambden, J. We Concur: Haerle, Acting P.J., Ruvolo, J. (Not for Publication.)

**A083939 -- Peter Schnall v. The Hertz Corporation.**

For the foregoing reasons, the judgment dismissing the complaint is reversed. Appellant is awarded his costs on appeal. Kline, P.J. We Concur: Haerle, J., Ruvolo, J. (Certified for Publication.)

Tuesday, March 7, 2000 (continued)

Division Five

**A081999 -- The People v. Kevin Lee Robinson.**

**A087009 -- In re Kevin Lee Robinson, on Habeas Corpus.**

The judgment is affirmed. Appellant's petition for a writ of habeas corpus is denied. Jones, P.J. We Concur: Haning, J., Stevens, J. (Not for Publication.)

MINUTES

COURT OF APPEAL  
STATE OF CALIFORNIA  
FIRST APPELLATE DISTRICT

Wednesday, March 8, 2000

Division One

**A087051 -- Harold K. Ostin v. Glenwood Inn et al.**

After independently reviewing the pleadings and the evidence submitted in support of and in opposition to the motion for summary judgment, we agree with the trial court's conclusion in this case. Respondents demonstrated that appellant cannot establish his causes of action, and appellant failed to show the existence of any triable issue of fact as to any of those causes of action. Summary judgment was properly granted, and we affirm. Strankman, P.J. We Concur: Stein, J., Marchiano, J. (Not for Publication.)

**A087431 -- Wallace F. Smith v. The Regents of the University of California.**

The judgment is affirmed. Strankman, P.J. We Concur: Stein, J., Swager, J. (Not for Publication.)

**A088224 -- In re Monique R., a Person Coming Under the Juvenile Court Law.**

The judgment is affirmed. Strankman, P.J. We Concur: Stein, J., Swager, J. (Not for Publication.)

**A086958 -- Adoption of Jake Thalacker et al., Minors.**

Accordingly, the judgment is affirmed. Costs on appeal are awarded to respondent. Swager, J. We Concur: Strankman, P.J., Marchiano, J. (Not for Publication.)

**A086118 -- The People v. Wesley Bernard Clement.**

The judgment is affirmed. Strankman, P.J. We Concur: Stein, J., Marchiano, J. (Not for Publication.)

Wednesday, March 8, 2000 (continued)

Division Five

**A086317 -- Timothy E. Morgan v. The Home Insurance Company of Indiana.**

We affirm the judgment Jones, P.J. We Concur: Haning, J., Stevens, J.  
(Not for Publication.)

**A087406 -- USI Insurance Services Corp. et al., v. Fireman's Fund Insurance Company.**

The judgment of dismissal of USI, and that portion of the trial court's order denying USI leave to amend, are reversed. That portion of the order, which stayed the action pending disposition of *Fireman's Fund's Insurance Company v. Benefit Plan Administrators, et al.* (E.D.N.Y. 1999, CV 99-1287), is affirmed. Each party to bear its own costs on appeal. Stevens, J. We Concur: Jones, P.J., Haning, J.  
(Not for Publication.)

MINUTES

COURT OF APPEAL  
FIRST APPELLATE DISTRICT  
STATE OF CALIFORNIA

Thursday, March 9, 2000

Division Two

**A089484 -- Jobie M., The Superior Court of Alameda County;  
Alameda County Department of Social Services, R.P.I.**

The petition is denied on the merits (Cal. Const., art. VI, § 14; *Kowis v. Howard* (1992) 3 Cal.4th 888 [subsequent challenge by appeal barred]; § 366.26, subd. (l)(1)), and given the need to hold the upcoming .26 hearing without delay, our decision is final as to this court immediately (rule 24(d)). Lambden, J. We Concur: Kline, P.J., Ruvolo, J. (Not for Publication.)

**A090230 -- Donald Adcock v. The Superior Court of Solano; The  
People of the State of California, R.P.I.**

By the Court: The petition for writ of mandate/prohibition is denied.  
Kline, P.J.

**A090241 -- In re Bradford Rodgers, on Habeas Corpus.**

By the Court: The petition for writ of habeas corpus is denied. Kline, P.J.

**A090240 -- In re Charles Harrington, on Habeas Corpus.**

By the Court: The petition for writ of habeas corpus is denied. Kline, P.J.

**A084848 -- Ronald L. King and Hedy King Bray v. Wilfred O'Neill.**

The judgment is affirmed. Kline, P.J. We Concur: Haerle, J., Lambden, J.  
(Not for Publication.)

Thursday March 9, 2000 (continued)

**A082075, A082729 -- William G. Simon, et al., v. New Discovery, Inc., et al.**

The portion of the judgment holding appellants liable for intentional misrepresentation and negligent misrepresentation is reversed and this case is remanded with directions to the trial court to enter judgment on these causes of action in appellants' favor. The punitive damages award is stricken. The judgment is affirmed in all other respects. The parties shall bear their respective costs on appeal. Haerle, Acting P.J. We Concur: Lambden, J., Sepulveda, J.\* Justice of the First Court of Appeal, Division Four, assigned By the Court: the Chief Justice pursuant to article VI, section 6 of the California Constitution. (Not for Publication.)

Division Three

**A088923 -- The People v. Troy Daniel Campbell.**

The judgment is affirmed. Walker, J. We Concur: McGuinness, P.J., Corrigan, J. (Not for Publication.)

Division Five

**A087458 -- Raymond H. Robinson v. County of San Mateo et al.**

The judgment is affirmed. Haning, J. We Concur: Jones, P.J., Stevens, J. (Not for Publication.)

**A086995 -- In re Kari D., a Person Coming Under the Juvenile Court Law.**

The order is affirmed. Haning, J. We Concur: Jones, P.J., Stevens, J. (Not for Publication.)

**A086407 -- Gayle Rae Taylor v. Park Place Asset Management etc.**

We reverse the grant of judgment as to Taylor's third cause of action. We do not address Taylor's evidentiary challenges on the ground that they are moot. Each party to bear their own costs. Jones, P.J. We Concur: Haning, J., Stevens, J. (Not for Publication.)

MINUTES

COURT OF APPEAL  
FIRST APPELLATE DISTRICT  
STATE OF CALIFORNIA

Friday, March 10, 2000

Division One

**A087503 -- The People v. Howard Kyle Forbes.**

The judgment is affirmed. Strankman, P.J. We Concur: Swager, J., Marchiano, J. (Not for Publication.)

**A086878 -- Atchison Village Mutual Homes Corporation v. David DeForrest.**

The order granting attorneys fee and cost is affirmed. Stein, J. We Concur: Strankman, P.J., Marchiano, J. (Not for Publication.)

Division Three

**A087505 -- The People v. Hugo A. Parejo.**

The judgment is affirmed. Parrilli, J. We Concur: McGuiness, P.J., Corrigan, J. (Not for Publication.)

**A086249 -- In re Yessenia Z., a Person Coming Under the Juvenile Court Law.**

The judgment is affirmed. Parrilli, J. We Concur: Corrigan, Acting P.J., Walker, J. (Not for Publication.)

**A088476 -- The People v. Kurt William Breiten.**

The judgment is affirmed. Corrigan, J. We Concur: McGuiness, P.J., Parrilli, J. (Not for Publication.)

Friday, March 10, 2000 (continued)

**A087506 -- In re Bud J., a Person Coming Under the Juvenile Court Law.**

There are no meritorious issues to be argued. The judgment is affirmed. Corrigan, Acting P.J. We Concur: Parrilli, J., Walker, J. (Not for Publication.)

**A089754 -- In re Evan N., a Person Coming Under the Juvenile Court Law.**

The petition for writ relief is denied on the merits. The matter may proceed to the scheduled hearing under section 366.26. Parrilli, J. We Concur: McGuiness, P.J., Walker, J. (Not for Publication.)

Division Five

**A081779 -- The People v. Fred Francisco Orellana.**

The judgment is affirmed. Haning, J. We Concur: Jones, P.J., Stevens, J. (Not for Publication.)

**A084687 -- Ricardo Garcia Cariaga et al., v. Allstate Insurance Company, et al.**

The judgment is affirmed. Costs to respondent. Haning, J. We Concur: Jones, P.J., Stevens, J. (Not for Publication.)

**A087438 -- Henry M. Hong et al., v. First Alliance Mortgage Company et al.**

We affirm the judgment Jones, P.J. We Concur: Haning, J., Stevens, J. (Not for Publication.)

**A087929 -- The People v. Damon Janier Giles.**

The judgment is affirmed. Haning, J. We Concur: Jones, P.J., Stevens, J. (Not for Publication.)

MINUTES

COURT OF APPEAL  
FIRST APPELLATE DISTRICT  
STATE OF CALIFORNIA

Monday, March 13, 2000

Division One

**A087089 -- In re Mallory P., Persons Coming Under the Juvenile Court Law.**

The order is affirmed. Stein, Acting P.J. We Concur: Swager, J., Marchiano, J. (Not for Publication.)

**A085230 -- The People v. Wayne Arnold.**

The judgment is modified to stay the robbery convictions and to award appellant 491 days of presentence custody credit, consisting of 427 days of credit for actual days in custody and 64 days of conduct credit. The judgment is affirmed as modified. The trial court shall cause its clerk to prepare an amended abstract of judgment reflecting the stay of the two robbery convictions and the award of precommitment credit. Marchiano, J. We Concur: Stein, Acting P.J., Swager, J. (Not for Publication.)

**A088357 -- In re Moner A., a Person Coming Under the Juvenile Court Law.**

The orders of the juvenile court are affirmed. Marchiano, J. We Concur: Strankman, P.J., Swager, J. (Not for Publication.)

**A084480 -- The People v. Antonio Gonzalez.**

The matter is remanded to the trial court for retrial of the prior serious felony enhancement, and strike allegation, and for resentencing if the allegations are not proved. In all other respects, the judgment is affirmed. Stein, J. We Concur: Strankman, P.J., Swager, J. (Not for Publication.)

Monday March 13, 2000 (continued)

Division Two

**A089928 -- Greenbrae Management, Inc., v. The Superior Court of Marin County; Roselyn Williams, et al, R.P.I.**

By the Court: The petition for writ of mandate/prohibition is denied. Kline, P.J.

**A090306 -- In re Charles Harrington, on Habeas Corpus.**

By the Court: The petition for writ of habeas corpus is denied. Kline, P.J.

**A090271 -- In re Shedrick Henry, on Habeas Corpus.**

By the Court: The petition for writ of habeas corpus is denied. Kline, P.J.

**A081989 -- The People v. Gayle Bishop.**

**A086828 -- In re Gayle Bishop, on Habeas Corpus.**

The conviction on counts 2 and 8 are reversed. The other convictions are affirmed. The petition for writ of habeas corpus is denied. Our review of the record suggests that the decision to impose a harsh penalty in this case was strongly influenced by the fact of the perjury convictions. In light of our reversal of two of these convictions, including the one upon which the principal term was imposed, we remand for reconsideration of appellant's sentence. We express no opinion on the proper outcome of that reconsideration. Kline, P.J. We Concur: Haerle, J., Lambden, J. (Not for Publication.)

Division Three

**A088532 -- In re Christopher M., a Person Coming Under the Juvenile Court Law.**

The judgment is affirmed. McGuiness, P.J. We Concur: Corrigan, J., Parrilli, J. (Not for Publication.)

Monday March 13, 2000 (continued)

**A086975 -- Denis Campbell et al., v. Bill Fitzpatrick et al.**

The judgment is affirmed. The Fitzpatricks shall recover their costs on appeal. McGuiness, P.J. We Concur: Corrigan, J., Parrilli, J. (Not for Publication.)

**A089552 -- Catrina S., The Superior Court of Alameda County ;  
Alameda County Social Services Agency, R.P.I.**

The petition for extraordinary relief is denied on the merits. (See Cal. Const., art. VI, § 14; Kowis v. Howard (1992) 3 Cal.4th 888, 894.) Because the section 366.26 hearing is set for March 31, 2000, our decision is final in this court immediately. (Cal. Rules of Court, rule 24(d).) McGuiness, P.J. We Concur: Corrigan, J., Parrilli, J. (Not for Publication.)

**A087676 -- The People v. David Lee Qualls.**

In sum, we find no signable issues for review pursuant to People v. Wende, supra, 25 Cal.3d 436. The judgment is affirmed. McGuiness, P.J. We Concur: Parrilli, J., Walker, J. (Not for Publication.)

**A080772 -- Eleanor Dericieux v. Marin Humane Society.**

The appeal is dismissed. In the event a subsequent appeal is taken from a properly appealable judgment, the parties may request that this court take judicial notice of the record and briefing on file herein. McGuiness, P.J. We Concur: Corrigan, J., Parrilli, J. (Not for Publication.)

Division Four

**A086694 -- The People v. John Taylor Salada.**

Judgment affirmed. Reardon, J. We Concur: Hanlon, P.J., Sepulveda, J. (Not for Publication.)

Division Five

**A086146 -- Patricia Connelly v. Stanley J. Bell et al.**

The judgment is affirmed. Jones, P.J. We Concur: Haning, J., Stevens, J.  
(Not for Publication.)

MINUTES

COURT OF APPEAL  
FIRST APPELLATE DISTRICT  
STATE OF CALIFORNIA

Tuesday, March 14, 2000

Division Three

**A086822 -- In re Jasmine D., a Person Coming Under the Juvenile Court Law.**

The order is affirmed. Parrilli, J. We Concur: Corrigan, Acting P.J., Walker, J. (Certified for Publication.)

**A087496 -- The People v. Roland Vincent Bass.**

The judgment is affirmed. Corrigan, J. We Concur: McGuiness, P.J., Parrilli, J. (Not for Publication.)

**A089548 -- In re Finding of David Shore as a Vexatious Litigant.**

We hereby declare David Shore to be a vexatious litigant as defined by section 391, subdivision (b)(3), and we require him to seek permission from the presiding judge or justice before filing, in propria persona, any new litigation in any court of this state. The clerk of this court is directed to forward to the Judicial Council a copy of this opinion for addition of Mr. Shore's name to its record of vexatious litigants subject to prefiling orders. (§ 391.7, subd. (d).) McGuiness, P.J. We Concur: Parrilli, J., Walker, J. (Not for Publication.)

Division Four

**A086088 -- William M. Moores et al., v. Gordon Moores et al.**

We affirm the judgment Reardon, J. We Concur: Hanlon, P.J., Poché J. (Not for Publication.)

MINUTES  
CALIFORNIA COURT OF APPEAL  
FIRST APPELLATE DISTRICT  
DIVISION FOUR  
Tuesday, March 14, 2000

The Court met at 10:30 a.m. in its courtroom at 350 McAllister Street, 4th Floor, San Francisco. Present: Reardon, Acting P.J. and Sepulveda, J.; Channing Hoo, Deputy Clerk; Shelley Aldridge, Bailiff.

- A085168     Anthony Astorgano et al.  
                 v.  
                 Thomas, Porch & Gullickson  
                 Continued to the March 28, 2000 calendar.
- A081009     Ronald A. Perner et al.  
                 v.  
                 Tracy Federal Bank et al.  
                 Continued to the March 28, 2000 calendar.
- A085766     Chittaram Patel  
                 v.  
                 Niruben Patel et al.  
                 Cause called at 10:31 a.m. Edward Marc Fishman confirmed waiving  
                 Justice Poche's presence and argued for appellant Niruben Patel et al. No  
                 appearance by respondent's counsel. Cause submitted.
- A084968     Northern Insurance Co. of NY  
                 v.  
                 Superior National Insurance Co.  
                 Stayed due to bankruptcy.
- The Court adjourned at 10:42 a.m.

Courtroom Minutes  
Division 4  
Tuesday, March 14, 2000

Court reconvened at 1:30 p.m. in its courtroom at 350 McAllister Street, 4th Floor, San Francisco. Present: Hanlon, P.J., Reardon, J., Jim Campbell, Deputy Clerk and CHP Officer Leland Thomas, Bailiff.

A084745    People,  
              plaintiff/respondent,  
              v.  
              Audrey Rose Fasano,  
              defendant/appellant.

Cause called. Lawrence Gibbs argued on behalf of appellant, Audrey Rose Fasano. Seth Schalt, D.A.G. argued on behalf of respondent. Cause submitted.

A084446    Tom Easton,  
              plaintiff/appellant,  
              v.  
              Gene Schach et al.,  
              defendants/respondents.

Cause called. Tom Easton argued, in propria persona.. Paul Vallone and John Vrieze argued on behalf of respondents. Cause submitted.

A083601    Mannie Joel et al.,  
              plaintiffs/appellants,  
              v.  
              Valleycare Medical Center Hospital et al.,  
              defendants/respondents.

Cause called. Philip Borowsky argued on behalf of appellants, Mannie Joel et al. Mark Bonino argued on behalf of respondents. Cause submitted.

Court adjourned at 2:30 p.m.

MINUTES

COURT OF APPEAL  
FIRST APPELLATE DISTRICT  
STATE OF CALIFORNIA

Wednesday, March 15, 2000

Division Three

**A089030 -- George Hoffberg v. Robert Copeland et al.**

The respondents' motion to dismiss is granted. Walker, J. We Concur:  
McGuiness, P.J., Corrigan, J. (Not for Publication.)

Division Five

**A088166 -- The People v. Anthony Curtis Cavaness.**

The judgment is affirmed. Jones, P.J. We Concur: Haning, J., Stevens, J.  
(Not for Publication.)

COURT OF APPEAL  
STATE OF CALIFORNIA  
FIRST APPELLATE DISTRICT  
DIVISION THREE

Wednesday, March 15, 2000

Court convened at 9:00 a.m. in its Courtroom at 350 McAllister Street, Fourth Floor, San Francisco, California.

Present: McGuiness, P.J., Parrilli, J., Walker, J. and I. Calanoc, Deputy Clerk.

A086087      Linda Harrell, et al.,  
                  v.  
                  Susan Tucker, et al.  
Cause called and argued by Georgia Michell-Langs, counsel for appellants;  
and Leslie Allen Hausrath, counsel for respondents. Cause ordered  
submitted.

A086506      Friends of West County, et al.,  
                  v.  
                  City of Sebastopol, et al.  
Cause called and argued by Susan Brandt-Hawley, counsel for appellants;  
and Brien McMahon, counsel for respondents. Cause ordered submitted.

COURT RECESSED

COURT OF APPEAL  
STATE OF CALIFORNIA  
FIRST APPELLATE DISTRICT  
DIVISION THREE

Wednesday, March 15, 2000

Court reconvened at 1:40 p.m. in its Courtroom at 350 McAllister Street, Fourth Floor, San Francisco, California.

Present: McGuiness, P.J., Corrigan, J., Parrilli, J., and C. Turner, Deputy Clerk.

- A083437      In re Sabrina P., et al., Persons Coming Under the  
Juvenile Court Law.  
Social Services Agency,  
v.  
Judith P.,  
Cause called and argued by Donna Leota Hall, counsel for appellant, Julia  
Ten Eyck, counsel for minors and Ellen Marcy Forman, counsel for  
respondent. Cause ordered submitted.
- A072396      The People,  
v.  
John Francis Fry,  
Cause called and argued by Janice Marie Lagerlof, counsel for appellant,  
and Deputy Attorney General, Ross C. Moody, counsel for respondent.  
Cause ordered submitted.  
Justice McGuiness, P.J., left the bench and Justice Walker took his place on  
the bench.
- A084127      Charlotte Pfeiffer,  
v.  
Harry Mittlemann, et al.,  
Cause called and argued by Brady Mark Kass, counsel for appellant, and  
Tyler G. Draa, counsel for respondent.  
Cause ordered submitted.
- A085086      Bartholomew Lee,  
v.  
Victoria Evans, et al.,  
Cause called and argued by F. Raymond Marks, counsel for appellant, and  
Timothy O'Leary, counsel for respondent. Cause ordered submitted.
- court adjourned

MINUTES

COURT OF APPEAL  
STATE OF CALIFORNIA  
FIRST APPELLATE DISTRICT

Thursday, March 16, 2000

Division One

**A086951 -- Stephen Hawkins v. Fantasy, Inc.**

The judgment is affirmed. Swager, J. We Concur: Strankman, P.J., Stein, J. (Not for Publication.)

**A089180 -- The People v. Jose Louis Parra Ramirez.**

The judgment is affirmed. Strankman, P.J. We Concur: Stein, J., Swager, J. (Not for Publication.)

**A086484 -- The People v. Unway Lemar Carter.**

The judgment is affirmed. Strankman, P.J. We Concur: Stein, J., Swager, J. (Not for Publication.)

**A087696 -- The People v. Jeffrey J. Brown.**

The judgment is affirmed. Stein, J. We Concur: Strankman, P.J., Swager, J. (Not for Publication.)

**A083707 -- The People v. Paul Edward Jefferson.**

Accordingly, to correct the unauthorized sentence the judgment is modified to reflect an award of 158 days (15 percent of 1051 days) of precommitment conduct credit rather than 525 days, and as so modified is affirmed. Swager, J. We Concur: Stein, Acting P.J., Marchiano, J. (Not for Publication.)

Thursday, March 16, 2000 (continued)

Division Two

**A090026 -- Stephen E. Roulac v. The Superior Court of San Francisco County; Bank of America, N.A., R.P.I.**

By the Court: The petition for writ of mandate is denied. Kline, P.J.

**A090319 -- In re Bradford Rodgers, on Habeas Corpus.**

By the Court: The petition for writ of habeas corpus is denied. Kline, P.J.

**A090270 -- Derrick A. Mitchell v. The Municipal Court of Alameda County; The People of the State of California ,R.P.I.**

By the Court: The petition for writ of prohibition is denied. Kline, P.J.

**A085095 -- Ann Marie Farley and Thomas J. Farley v. Concord Mitsubishi et al.**

The appeal is dismissed. Upon a motion being filed by respondents, the trial court shall determine respondents' entitlement to attorney fees and the amount, if any, of attorney fees to be awarded, in accordance with the views expressed herein. Respondents shall also receive their costs on appeal. Kline, P.J. We Concur: Haerle, J., Lambden, J. (Not for Publication.)

Division Three

**A079608 -- The People v. Jarrett Lamont Jacobs.**

The judgment is affirmed. McGuinness, P.J. We Concur: Corrigan, J., Parrilli, J. (Certified for Partial Publication.)

MINUTES

CALIFORNIA COURT OF APPEAL  
FIRST APPELLATE DISTRICT  
DIVISION TWO

Thursday, March 16, 2000

The Court met at 9:30 a.m. in its courtroom at 350 McAllister Street, 4th Floor, San Francisco. Present: Haerle, Acting P.J., Lambden, J., Ruvolo, J. and S. Graham, Deputy Clerk.

- A086451     Ron Partridge  
               v.  
               Allen Mueller, et al.  
Cause called and argued by Susan Amato, counsel for appellant and Patrick G. Grattan, counsel for respondents. Cause ordered submitted.
- A088034     Theresa Marie Bal  
               v.  
               County of Contra Costa, et al.  
Cause called and argued by Draper B. Gregory, counsel for appellant and James Fitzgerald, counsel for respondents. Cause ordered submitted.
- A087844     Albert Morgan, et al.  
               v.  
               John Murdock, et al.  
Cause called and argued by Arlo Hale Smith, counsel for appellants and David Knitter, counsel for respondents. Cause ordered submitted.
- A085233     The People  
               v.  
               Juan Alberto Fuentes  
Cause called and argued telephonically by Eric Liberman, counsel for appellant and in person by Linda Murphy, Deputy Attorney General, counsel for respondent. Cause ordered submitted.

Court recessed until 1:30 p.m.

MINUTES

COURT OF APPEAL  
STATE OF CALIFORNIA  
FIRST APPELLATE DISTRICT

Friday, March 17, 2000

Division Two

**A086422 -- The People v. Alfred Edward Cruz.**

The judgment is affirmed. Kline, P.J. We Concur: Haerle, J., Lambden, J.  
(Not for Publication.)

Division Three

**A079118 -- The People v. Mark Frederick Brandt.**

By the Court: The petition for rehearing is denied. McGuiness, P.J.

Division Five

**A088631 -- The People v. Yo Justin Phongsavath.**

The judgment is affirmed. Jones, P.J. We Concur: Haning, J., Stevens, J.  
(Not for Publication.)

MINUTES

CALIFORNIA COURT OF APPEAL  
FIRST APPELLATE DISTRICT  
DIVISION TWO

Friday, March 17, 2000

The Court met at 9:30 a.m. in its courtroom at 350 McAllister Street, 4th Floor, San Francisco. Present: Kline, P. J., Lambden, J., Ruvolo, J., and I. Santos, Deputy Clerk.

A084603     The People,  
              v.  
              Emery Amos Wetton.  
Cause called and argued by Richard Michael Doctoroff, counsel for appellant, and Nanette Winaker, Deputy Attorney General, counsel for respondent. Cause ordered submitted.

A086006     In re David O., a Person Coming Under the Juvenile Court Law.  
              The People,  
              v.  
              David O.  
Cause called and argued by Deborah Lynn Tuttelman, counsel for appellant, and Matthew Boyle, Deputy Attorney General, counsel for respondent. Cause ordered submitted.

A085617     Blossom Lum Jang,  
              v.  
              State Farm Insurance Company.  
Cause called and argued by John Edward Carey, counsel for appellant, and Clarke Holland, counsel for respondent. Cause ordered submitted.

Court recessed until 1:30 p.m.

Court reconvened in its courtroom at 1:30 p.m. Present: Kline, P.J., Haerle, J., Lambden, J., and I. Santos, Deputy Clerk.

A086468     The People,  
              v.

Orzell Long.

Cause called and argued by Geoffrey Rotwein, counsel for appellant, and Ronald Matthias, Deputy Attorney General, counsel for respondent. Cause ordered submitted.

A083875 California Contractors' License Services,  
v.

Scrodin Enterprises, Inc., et al.

Cause called and argued by Thomas Robert Ulmer, counsel for appellant, and, Alexander Eagle and Timothy Hannan, counsels for respondent. Cause ordered submitted.

A084710 Perry S. Shers,  
v.

Institute for Labor and Mental Health.

Cause called and argued by Perry Shers, in pro per, and Rosemary Springer, counsel for respondent. Cause ordered submitted.

A085913 Thomas J. Culligan, III,  
v.

State Compensation Insurance Fund.

Cause called and argued by Randy Malcolm Hess, counsel for appellant, and Paul Edward Glad, counsel for respondent. Cause ordered submitted.

**Court adjourned.**

MINUTES

COURT OF APPEAL  
STATE OF CALIFORNIA  
FIRST APPELLATE DISTRICT

Monday, March 20, 2000

Division One

**A086142 -- Marc Kasky v. Nike, Inc., et al.**

The judgment is affirmed. Costs are awarded to respondent. Swager, J.  
We Concur: Stein, Acting P.J., Marchiano, J. (Certified for Publication.)

Division Two

**A086417 -- The People v. Karlo Bion Rutter.**

The judgment is affirmed. Haerle, Acting P.J. We Concur: Lambden, J.,  
Ruvolo, J. (Not for Publication.)

**A084824 -- Stephanie Sanchez, et al, v. Goodwill Industries of the  
Greater East Bay, et al.**

The judgment is affirmed. Haerle, J. We Concur: Kline, P.J., Ruvolo, J.  
(Not for Publication.)

**A086023 -- Richard E. Thomas v. Cathy Magar and Leon Springer.**

The order denying attorney fees is affirmed. In the interests of justice, each  
party shall bear their own costs on this appeal. Kline, P.J. We Concur: Lambden,  
J., Ruvolo, J. (Not for Publication.)

Friday, March 20, 2000 (continued)

Division Three

**A089618 -- Sierra Club et al., v. California Department of Forestry & Fire Protection; Mendocino Redwood Company LLC, R.P.I.**

Appellants' petition for rehearing and reinstatement of the above-referenced appeal is denied. Appellants' request for judicial notice is denied as moot. McGuiness, P.J.

**A085086 -- Bartholomew Lee v. Victoria Evans et al.**

The judgment is affirmed. Evans shall bear her costs on appeal. Parrilli, J. We Concur: Corrigan, Acting P.J., Walker, J. (Not for Publication.)

**A083437 -- In re Sabrina P. et al., Persons Coming Under the Juvenile Court Law.**

The appeal regarding Sabrina is dismissed as moot. The remainder of the judgment of the juvenile court is affirmed in all respects. In light of our determinations in this opinion, the Department's request that we consider postjudgment evidence pursuant to Code of Civil Procedure section 909 is moot. McGuiness, P.J. We Concur: Corrigan, J., Parrilli, J. (Not for Publication.)

**A086087 -- Linda Harrell et al., v. East Bay Regional Park District.**

The judgment is affirmed. Appellant to bear costs of appeal. Respondent's motion for sanctions is denied. Although we find no merit in the appeal, we do not find that it was prosecuted for the purpose of harassment or delay or that it was frivolous. (See Cal. Rules of Court, rule 26(e); *In re Marriage of Flaherty* (1982) 31 Cal.3d 637, 649-650.) McGuiness, P.J. We Concur: Parrilli, J., Walker, J. (Not for Publication.)

**A088057 -- In re Cecilia P. et al., Persons Coming Under the Juvenile Court Law.**

The judgment is affirmed. McGuiness, P.J. We Concur: Corrigan, J., Walker, J. (Not for Publication.)

Friday, March 20, 2000 (continued)

Division Four

**A087975 -- Ariana Akins et al., v. Enterprise Rent-A-Car Company of San Francisco et al.**

The attorney fees order is affirmed. The motion for attorney fees on appeal is granted and the matter remanded to the trial court to set a reasonable attorney fee. Reardon, J. We Concur: Hanlon, P.J., Poché J. (Not for Publication.)

MINUTES

COURT OF APPEAL  
FIRST APPELLATE DISTRICT  
STATE OF CALIFORNIA

Tuesday, March 21, 2000

Division Two

**A087709 -- The People v. Edel Zabale Reyes.**

The judgment is affirmed. Kline, P.J. We Concur: Haerle, J., Lambden, J.  
(Not for Publication.)

Division Three

**A084127 -- Charlotte Pfeiffer v. Harry Mittleman.**

We affirm the judgment entered in favor of respondent, who shall recover his costs on appeal. Walker, J. We Concur: Corrigan, Acting P.J., Parrilli, J.  
(Not for Publication.)

**A088692 -- The People v. Ron P. Walls.**

The judgment is affirmed. Walker, J. We Concur: Corrigan, Acting P.J., Parrilli, J. (Not for Publication.)

MINUTES

COURT OF APPEAL  
FIRST APPELLATE DISTRICT  
STATE OF CALIFORNIA

Wednesday, March 22, 2000

Division Two

**A090353 -- In re Paul Oliver Roseman, on Habeas Corpus.**

By the Court: The petition for writ of habeas corpus is denied. Kline, P.J.

**A090345 -- In re Keith Thomas, on Habeas Corpus.**

By the Court: The petition for writ of habeas corpus is denied. Petitioner should seek relief, if any, in the Fifth Appellate District Court of Appeal in Fresno. Kline, P.J.

**A090344 -- In re Charles Harrington, on Habeas Corpus.**

By the Court: The petition for writ of habeas corpus is denied. Petitioner has a remedy at law by way of a timely appeal. Kline, P.J.

Division Three

**A086369 -- In re Aja H., a Person Coming Under the Juvenile Court Law.**

We affirm. Walker, J. We Concur: McGuiness, P.J., Parrilli, J. (Not for Publication.)

**A086506 -- Friends of West County v. City of Sebastopol et al; O'Reilly & Associates et al, R.P.I.**

We affirm. Walker, J. We Concur: McGuiness, P.J., Parrilli, J. (Not for Publication.)

**A084211 -- The People v. Deborah Eileen Fowler.**

The judgment is affirmed. Parrilli, J. We Concur: McGuiness, P.J., Walker, J. (Not for Publication.)

Wednesday, March 22, 2000 (continued)

**A086204 -- In re Jeffrey C., a Person Coming Under the Juvenile Court Law.**

We hold the juvenile court abused its discretion in not concluding the dispositional hearing making a definitive dispositional order including a specific case plan for the rendering of reunification services. The case is remanded for a new dispositional hearing on the first supplemental amended petition. As in *Joel T.* the court should consider all applicable dispositional alternatives including denial services pursuant to section 361.5, subdivision (b) if justified by the evidence. The matter is remanded with directions to the juvenile court to hold a new dispositional hearing on the first amended supplemental petition. The order of the court terminating parental rights of the appellant and ordering adoption is vacated. Walker, J. We Concur: McGuiness, P.J., Corrigan, J. (Not for Publication.)

Division Four

**A085766 -- Chittaram Patel v. Niruben Patel et al.**

The order denying relief from default is affirmed. Poché Acting P.J. We Concur: Reardon, J., Sepulveda, J. (Not for Publication.)

**A086406 -- Aaron Hudiburg v. Marco Alejandro Palma.**

The summary judgment is reversed. Poché J. We Concur: Hanlon, P.J., Reardon, J. (Not for Publication.)

**A088118 -- The People v. Rene Oswaldo Vides.**

The judgment (order) is affirmed. Reardon, J. We Concur: Hanlon, P.J., Sepulveda, J. (Not for Publication.)

Wednesday, March 22, 2000 (continued)

Division Five

**A087627 -- In re Amanda M., a Person Coming Under the Juvenile Court Law.**

The order adjudicating appellant a continued ward of the court pursuant to Welfare and Institutions Code section 602 and committing her to the CYA is affirmed. Haning, J. We Concur: Jones, P.J., Stevens, J.

MINUTES

COURT OF APPEAL  
FIRST APPELLATE DISTRICT  
STATE OF CALIFORNIA

Thursday, March 23, 2000

Division One

**A087628 -- In re Edward C., a Person Coming Under the Juvenile Court Law.**

The order appealed from is affirmed. Marchiano, J. We Concur: Strankman, P.J., Swager, J. (Not for Publication.)

**A087898 -- The People v. Jacob Karganilla.**

The judgment is affirmed. Marchiano, J. We Concur: Strankman, P.J., Swager, J. (Not for Publication.)

Division Two

**A080771/A081504 -- Pacific States Aviation, Inc. et al., v. Simon Motors, Inc. et al.**

The judgment is reversed in part and remanded for a new trial on the issue of malice by Soda and for a new trial on the issue of damages as to both Defendants. Kline, P.J. We Concur: Haerle, J., Lambden, J. (Not for Publication.)

**A090360 -- Glenn and Jennifer Thompson v. Robin Fritsche.**

The petition for writ of supersedeas/stay is denied. Kline, P.J.

**A090423 -- In re Bruce Joel Hall, on Habeas Corpus.**

By the Court: The petition for writ of habeas corpus is denied. Kline, P.J.

Thursday, March 23, 2000 (continued)

Division Five

**A087250 -- Pacific Bell v. Public Utilities Commission.**

The petition for writ of review is denied. Haning, J. We Concur: Jones, P.J., Stevens, J. (Certified for Publication.)

MINUTES

COURT OF APPEAL  
STATE OF CALIFORNIA  
FIRST APPELLATE DISTRICT

Friday, March 24, 2000

Division Two

**A088147 -- The People v. Donald Eugene Baker.**

The judgment is affirmed. Kline, P.J. We Concur: Haerle, J., Lambden, J.  
(Not for Publication.)

Division Three

**A086806 -- In re Fernando P., a Person Coming Under the Juvenile Court Law.**

The matter is remanded to the trial court with directions that it amend its probation order, clarifying that surgical removal of pre-existing permanent tattoos is not required. The judgment is otherwise affirmed. Corrigan, J. We Concur: McGuiness, P.J., Walker, J. (Not for Publication.)

Division Four

**A086582 -- Enriqueta Santos et al., v. Mark N. Isaacs.**

The summary judgment is affirmed. Poché Acting P.J. We Concur: Reardon, J., Sepulveda, J. (Not for Publication.)

**A085297 -- The People v. Rochelle Annies Allison.**

The judgment is affirmed. Reardon, J. We Concur: Hanlon, P.J., Poché J.  
(Not for Publication.)

Friday, March 24, 2000 (continued)

Division Five

**A083514 -- Ph II, Inc., v. William C. Ibershof et al.**

**A085331 -- Ph II, Inc., v. William C. Ibershof et al.**

Order Modifying Opinion and Denying Rehearing. By the Court:  
It is ordered that the opinion filed herein on February 28, 2000, be modified as follows: (SEE ORDER) This modification does not effect a change in the judgment. The petition for rehearing is denied. Jones, P.J. (Not for Publication.)

**A086093 -- The People v. Charles Joseph Miller, Jr.**

The judgment of conviction is affirmed. Stevens, J. Jones, P.J., Haning, J. (Not for Publication.)

**A086116 -- The People v. Edward Simmons.**

The order revoking probation is affirmed. Haning, J. We Concur: Jones, P.J., Parrilli, J.\* Associate Justice of the Court of Appeal, First Appellate District, assigned By the Court: the Chief Justice pursuant to article VI, section 6 of the California Constitution. (Not for Publication.)

MINUTES

COURT OF APPEAL  
STATE OF CALIFORNIA  
FIRST APPELLATE DISTRICT

Monday, March 27, 2000

Division One

**A088107 -- The People v. Walter Gregory Crua, Jr.**

The judgment is affirmed. Swager, J. We concur: Stein, Acting P.J., Marchiano, J. (Not for Publication.)

**A087764 -- In re Kristopher M., a Person Coming Under the Juvenile Court Law.**

The dispositional order rendered July 2, 1999, is modified to delete the search condition described herein and, in all other respects, is affirmed. Swager, J., We concur. Strankman, P.J., Stein, J. (Not for Publication.)

**A087492 -- The People v. Frank Timateo Apodaca.**

The judgment is affirmed. Swager, J. Stein, Acting P.J., Marchiano, J. (Not for Publication.)

**A085373 -- Berkeley Unified School District v. Insurance Company of the West.**

The judgment is affirmed. Strankman, P.J. I concur: Swager, J. See Concurring Opinion of Stein, J. (Not for Publication.)

Monday, March 27, 2000 (continued)

Division Four

**A087430 -- Jo Kim v. The Regents of the University of California.**

We affirm the judgment. Reardon, J. We concur: Poché Acting P.J., Sepulveda, J. (Not for Publication.)

**A086482 -- In re Gina S., a Person Coming Under the Juvenile Court Law.**

Because we find none of the grounds advanced in either appeal to be meritorious, the judgment is affirmed. Poché J. We concur. Hanlon, P.J., Sepulveda, J. (Not for Publication.)

Division Five

**A087160 -- Trevor Snowden v. Stimilon International, Inc.**

The order of the trial court, quashing service of the summons and dismissing the action against Stimilon, is affirmed. Stevens, J. We concur: Jones, P.J., Haning, J. (Not for Publication.)

MINUTES

COURT OF APPEAL  
STATE OF CALIFORNIA  
FIRST APPELLATE DISTRICT

Tuesday, March 28, 2000

Division Two

**A085725 -- Robert B. Dimartino and Lise K. Tong v. City of Orinda.**

The judgment in favor of plaintiffs is reversed. Kline, P.J. We Concur: Haerle, J., Lambden, J. (Not for Publication.)

**A086578 -- The People v. Shawn Michael Perez.**

The judgment is affirmed. The case is remanded to the trial court for correction of the abstract of judgment to conform to the sentence imposed. Haerle, J. We concur: Kline, P.J., Lambden, J. (Not for Publication.)

**A086353 -- Nancy Tan v. San Francisco Residential Rent Stabilization Board.**

The judgment is affirmed. Lambden, J. We Concur: Haerle, Acting P.J., Ruvolo, J. (Not for Publication.)

**A090481 -- In re Charles Jackson, on Habeas Corpus.**

By the Court: The petition for writ of habeas corpus is denied. Kline, P.J.

**A090480 -- In re Charles Harrington, on Habeas Corpus.**

By the Court: The petition for writ of habeas corpus is denied. Kline, P.J.

Tuesday, March 28, 2000 (Continued)

Division Four

**A085471, A087508 -- In re Anthony D.,** a Person Coming Under the Juvenile Court Law.

The orders at the 12 month review (A085471) and the order filed May 19, 1999, denying appellant's section 388 petition (A087508) are affirmed. Poché J. We Concur: Hanlon, P.J., Sepulveda, J. (Not for Publication.)

**A088017 -- Elias Loza v. Sterigenics International.**

The judgment is affirmed. Poché J. We Concur: Hanlon, P.J., Sepulveda, J. (Not for Publication.)

MINUTES  
CALIFORNIA COURT OF APPEAL  
FIRST APPELLATE DISTRICT  
DIVISION FOUR  
Tuesday, March 28, 2000

The Court met at 1:30 p.m. in its courtroom at 350 McAllister Street, 4th Floor, San Francisco. Present: Hanlon, P.J., Poche, J., and Reardon, J. Jim Campbell, Deputy Clerk.

A086297     People,  
              plaintiff/respondent,  
              v.  
              Todd Russell Ettleman,  
              defendant/appellant.

Cause called. Gregory Brown, D.S.P.D., argued on behalf of appellant, Todd Russell Ettleman. Karl Mayer, D.A.G. argued on behalf of respondent. Cause submitted.

A087079     People,  
              plaintiff/respondent,  
              v.  
              Milton Leonardo Rayo ,  
              defendant/appellant.

Cause called. Chris Redburn argued on behalf of appellant, Milton Leonardo Rayo. Edward O'Brien, D.A.G., argued on behalf of respondent. Cause submitted.

At this time, Sepulveda, J. replaced Reardon, J.

A084089     People,  
              plaintiff/respondent,  
              v.  
              Terrence Anthony Mullins,  
              defendant/appellant.

Cause called. Stephen Donovan argued on behalf of appellant, Terrence Anthony Mullins. Herbert Wilkinson, D.A.G., argued on behalf of respondent. Cause submitted.

A085097      Concord Nissan,  
                 plaintiff/respondent,  
                 v.  
                 Jose Millan et al.,  
                 defendants/appellants.

Cause called. Ann Hipshman argued on behalf of appellants, Jose Millan et al. John Boggs argued on behalf of respondents. Cause submitted.

A085511      In re Kaylee C., a minor,  
                 Social Services Agency  
                 plaintiff/respondent,  
                 v.  
                 Karl C.,  
                 defendant/appellant.

A090029      In re Kaylee C., on Habeas Corpus.

Causes called. Catherine Aragon argued on behalf of appellant, Karl C. Paul Munez, D.C.C., argued on behalf of the respondent. Causes submitted.

A086041      People,  
                 plaintiff/respondent,  
                 v.  
                 Gregory Michael Bussani,  
                 defendant/appellant.

Cause called. John Jordan argued on behalf appellant, George Michael Bussani. Dorian Jung, D.A.G., argued on behalf of respondent. Cause submitted

A085168      Anthony Astorgano et al.  
                 plaintiffs/appellants,  
                 v.  
                 Thomas, Porch & Gullickson et al.  
                 defendants/respondents.

Cause called. Robert Brower argued on behalf of appellants, Anthony Astorganos, et al. Arthur Pearson argued on behalf of respondents. Submission deferred.

A081009      Ronald A. Perner et al.,  
                     plaintiffs/appellants,  
                     v.  
                     Tracy, Federal Bank et al.,  
                     defendants/respondents.

Cause called. Bradley Kass argued on behalf of appellants, Ronald A. Perner et al. Michele Trausch, Timothy McCormick and David Pinch argued on behalf of respondents.

The Court adjourned at 4:30 p.m.

MINUTES

COURT OF APPEAL  
STATE OF CALIFORNIA  
FIRST APPELLATE DISTRICT

Wednesday, March 29, 2000

Division One

**A080316 -- Shade Foods, Inc. v. Innovative Products Sales & Marketing, Inc., Royal Insurance Company of America, Northbrook National Insurance Company.**

Order Modifying Opinion and Denying Rehearing [No Change in Judgment] The Court: It is ordered that opinion filed herein on February 28, 2000, and reported in the Official Reports (78 Cal.App.4th 847) be modified in the following particulars: (SEE ORDER) There is no change in the judgment. All petitions for rehearing are denied. Strankman, P.J. (Certified for Publication.)

Division Two

**A084391 -- Christy A. Lawson, et al. v. City of Fremont.**

The judgment is affirmed. Haerle, J. We Concur: Kline, P.J., Ruvolo, J. (Not for Publication.)

**A084710 -- Perry S. Shers v. Institute For Labor and Mental Health.**

The judgment is affirmed. Institute shall recover its costs on this appeal. Kline, P.J. We Concur: Haerle, J., Lambden, J. (Not for Publication.)

**A082075, A082729 -- William G. Simon, et al., v. New Discovery, Inc., et al.**

By the Court: It is ordered that the opinion filed herein on March 9, 2000, be modified in the following particulars: (SEE ORDER) This modification does not effect a change in the judgment. The petition for rehearing is denied. Haerle, Acting P.J.

Wednesday, March 29, 2000 (continued)

**A088090 -- The People v. Carol J. Gaines.**

The judgment is affirmed. Kline, P.J. We Concur: Haerle, J., Lambden, J. (Not for Publication.)

**A088438 -- In Re Garrett S., a Person Coming Under the Juvenile Court Law.**

The order adjudicating appellant a continued ward of the court pursuant to Welfare and Institutions Code section 602 and committing him to CYA is affirmed. Kline, P.J. We Concur: Haerle, J., Lambden, J. (Not for Publication.)

**A088326 -- In re Tam L., a Person Coming Under the Juvenile Court Law.**

The order appealed from is reversed, and the matter is remanded for further proceedings. Kline, P.J. We Concur: Haerle, J., Lambden, J. (Not for Publication.)

**A087499 -- The People v. Tomas Gayton Gonzalez.**

The judgment is affirmed. Haerle, J. We Concur: Kline, P.J., Ruvolo, J. (Not for Publication.)

Division Three

**A085754 -- In re Jory W., a Person Coming Under the Juvenile Court Law.**

The appeal is dismissed. Walker, J. We Concur: McGuinness, P.J., Corrigan, J. (Not for Publication.)

**A088997 - The People v. Lawrence Lovell Hughes.**

We affirm the judgment and the sentence. Walker, J. We Concur: McGuinness, P.J., Corrigan, J. (Not for Publication.)

Monday, March 29, 2000 (continued)

Division Four

**A087522 -- Mark Dayton et al. v. Safeway, Inc.**

The summary judgment is reversed. Poché, Acting P.J. We Concur: Reardon, J., Sepulveda, J. (Not for Publication.)

**A088070 -- Harley Lamunyon v. Reliance Standard Life Insurance Company.**

The purported appeal is dismissed. Poché J. We Concur: Hanlon, P.J., Reardon, J. (Not for Publication.)

**A087779 -- The People v. Thomas Ray Talley.**

The judgment is modified by striking the order that the sentence imposed is to be served consecutively. As so modified, the judgment of conviction is affirmed. The clerk of the trial court shall prepare an amended abstract of judgment and forward a certified copy to the Department of Corrections. Poché, Acting P.J. We Concur: Reardon, J., Sepulveda, J. (Not for Publication.)

Division Five

**A083825 -- William Smith v. Workers' Compensation Appeals Board and City of Hayward.**

The decision of the Board after reconsideration determining that applicant did not sustain injury arising out of and in the course of his employment is annulled, and the matter is remanded to the Board for further proceedings consistent with the views expressed in this opinion. The parties shall bear their own costs. Jones, P.J. We Concur: Haning, J., Stevens, J. (Certified for Publication.)

Wednesday, March 29, 2000 (continued)

**A086802 -- In re Roxanna V. and Joanna G., Persons Coming Under the Juvenile Court Law.**

The dispositional order is affirmed. Haning, J. We Concur: Jones, P.J., Stevens, J. (Not for Publication.)

**A081570 -- The People v. Gerald Lester.**

The judgment is affirmed. Stevens, J. We Concur: Jones, P.J., Haning, J. (Not for Publication.)

**A087441 -- In re Angel V., a Person Coming Under the Juvenile Court Law.**

The judgment is affirmed. Haning, J. We Concur: Jones, P.J., Stevens, J. (Not for Publication.)

**A089004 -- The People v. Nathaniel Michael Wilson**

The judgment is affirmed. Stevens, J. We Concur: Jones, P.J., Haning, J. (Not for Publication.)

COURT OF APPEAL  
STATE OF CALIFORNIA  
FIRST APPELLATE DISTRICT  
DIVISION THREE

Wednesday, March 29, 2000

Court convened at 9:00 a.m. in its Courtroom at 350 McAllister Street, Fourth Floor, San Francisco, California.

Present: McGuiness, P.J., Corrigan, J., Walker, J. and I. Calanoc, Deputy Clerk.

A085475      Shawn G. Bautista,

v.

Ana Ramirez-Palmer.

Cause called and argued by appellant pro per Shawn Bautista, via teleconference; and Jessica Blonien, counsel for respondents. Cause ordered submitted.

A081056      The People,

v.

James J. Murphy.

Cause called and argued by Violet Grayson, counsel for appellant; and Deputy Attorney General Richard Rochman, counsel for respondent. Cause ordered submitted.

A086099      James R. Filstrup,

v.

Bay Cities Crane and Rigging, Inc.

Cause called and argued by John Morrison, counsel for appellant; and Ronald Busher, counsel for respondent. Cause ordered submitted.

A087588      The People,

v.

Michael R.

Justice McGuiness announced the panel for this case: Walker, J., Parrilli, J. and McGuiness, P.J. Cause called and argued by Sheila Broгна, counsel for appellant; and Deputy Attorney General Susan Lee, counsel for respondent. Cause ordered submitted.

A085682      San Francisco Bay Guardian,

v.

City of Richmond, et al.

Justice Corrigan announced the panel for this case: Parrilli, J., Walker, J. and Corrigan, J. Cause called and argued by Everett Jenkins, counsel for appellants; and Fred Altshuler, counsel for respondent. Cause ordered submitted.

COURT ADJOURNED

MINUTES

COURT OF APPEAL  
STATE OF CALIFORNIA  
FIRST APPELLATE DISTRICT

Division One

Thursday, March 30, 2000

**A081738 -- Paul F. Vorsatz v. Diane M. Kaiser.**

Accordingly, the judgment is affirmed. Swager, J. We Concur: Strankman, P.J., Marchiano, J. (Not for Publication.)

**A086118 -- The People v. Wesley Bernard Clement.**

Order Modifying Opinion and Denying Rehearing [No Change in Judgment] By the Court: It is ordered the unpublished opinion filed on March 8, 2000, be modified in the following particular: (SEE ORDER) There is no change in judgment. Appellant's petition for rehearing is denied. Strankman, P.J.

Division Two

**A081422 -- The People v. Joseph Ray Walker.**

**A087401 -- In re Joseph Ray Walker on Habeas Corpus.**

The judgment of conviction under section 290, subdivision (f) is affirmed, and the petition for habeas corpus is denied. The case is remanded with directions to strike the two invalid enhancements under section 667, subdivision (a)(1) and to resentence Walker. Ruvolo, J. We Concur: Haerle, Acting P.J., Lambden, J. (Not for Publication.)

**A084316 -- Robin Phillips et al. v. Owens-Illinois, Inc.**

The trial court's order granting respondents' motion for a new trial and reinstating the action is affirmed. Respondents' cross-appeal from the June 23, 1998 judgment is dismissed as moot. Ruvolo, J. We Concur: Kline, P.J., Haerle, J. (Not for Publication.)

Thursday, March 30, 2000 (continued)

**A084747 -- The People v. Larry Baker.**

The judgment is affirmed. Kline, P.J. We Concur: Haerle, J., Lambden, J.  
(Not for Publication.)

Division Three

**A085682 -- San Francisco Bay Guardian v. City of Richmond et al.**

The order awarding attorney fees and costs is affirmed. Corrigan, Acting  
P.J. We Concur: Parrilli, J., Walker, J. (Not for Publication.)

**A072396 -- The People v. John Francis Fry.**

The judgment is affirmed. McGuiness, P.J. We Concur: Corrigan, J.,  
Parrilli, J. (Not for Publication.)

**A087369 -- In re Misha H., a Person Coming Under the Juvenile Court  
Law.**

The orders appealed from are affirmed. Corrigan, J. We Concur:  
McGuiness, P.J., Parrilli, J. (Not for Publication.)

**A085897 -- Birdie A. Colegrove et al. v. Lesley Ann Clement.**

The judgment is affirmed. Costs are awarded to respondent. Parrilli, J.  
We Concur: McGuiness, P.J., Walker, J. (Not for Publication.)

**A081056 -- The People v. James J. Murphy.**

The judgment is affirmed. Corrigan, J. We Concur: McGuiness, P.J.,  
Walker, J. (Not for Publication.)

Thursday, March 30, 2000 (continued)

Division Four

**A087079 -- The People v. Milton Leonardo Rayo.**

Judgment affirmed. Reardon, J. We Concur: Hanlon, P.J., Poché J. (Not for Publication.)

**A086041 -- The People v. Gregory Michael Bussani.**

The judgment is affirmed. Hanlon, P.J. We Concur: Poché J., Sepulveda, J. (Not for Publication.)

**A85539, A086205 -- In re Alethea T. et al., a Person Coming Under the Juvenile Court Law.**

The orders terminating parental rights as to all of the minors are affirmed. Hanlon, P.J. We Concur: Poché J., Sepulveda, J. (Not for Publication.)

**A087018 -- The People v. Francis Eugene Hazelton.**

The trial court applied the correct legal standard in determining the motion for new trial. Any error in sentencing was harmless. The judgment is therefore affirmed. Sepulveda, J. We Concur: Hanlon, P.J., Reardon, J. (Not for Publication.)

**A082776 --The People v. Daymond Maurice Dixon.**

Pursuant to Penal Code section 1181, subdivision (6), the judgment is modified to reduce the conviction of battery resulting in serious bodily injury (Pen. Code, § 243, subd. (d)) to one of simple battery (Pen. Code, § 242). As so modified, the judgment is affirmed. The matter is remanded for resentencing. Sepulveda, J. We Concur: Hanlon, P.J., Poché J. (Not for Publication.)

**A086098 -- Henry Perez Garcia.**

Judgment affirmed. Reardon, J. We Concur: Hanlon, P.J., Sepulveda, J. (Not for Publication.)

Thursday, March 30, 2000 (continued)

**A088106 -- The People v. Antonio Jagers.**

The judgment is affirmed. Sepulveda, J. We Concur: Hanlon, P.J., Reardon, J. (Not for Publication.)

**A086800 -- In re David E., a Person Coming Under the Juvenile Court Law.**

The dispositional order is affirmed. Hanlon, P.J. We Concur: Reardon, J., Sepulveda, J. (Not for Publication.)

MINUTES

COURT OF APPEAL  
STATE OF CALIFORNIA  
FIRST APPELLATE DISTRICT

Friday, March 31, 2000

Division One

**A084566 -- In re the Marriage of Carol J. and Gerald A. Semas.**

The judgment is affirmed. Stein, Acting P.J. We Concur: Swager, J., Marchiano, J. (Not for Publication.)

Division Two

**A084684 -- Leites & Associates, P.C. v. 900 Capital Services, Inc.**

Appeal dismissed. Kline, P.J. We Concur: Haerle, J., Ruvo, J. (Not for Publication.)

**A083875 -- California Contractors License Services v. Scrodin Enterprises, Inc. etc., et al.**

The order dismissing the case is reversed and the matter is remanded to the trial court for further proceedings as set forth herein. Each party shall bear its own costs on this appeal. Kline, P.J. We Concur: Haerle, J., Lambden, J. (Not for Publication.)

Friday, March 31, 2000 (continued)

Division Three

**A090134 -- In re Lacy T., a Person Coming Under the Juvenile Court Law.**

We hold that the reunification services offered by real party pursuant to the case plan were reasonable and would have provided adequate means for Petitioner to regain custody of Lacy had she chosen to comply. Furthermore, the evidence does not support the assertion that her pregnancy and the condition of her health thereafter disabled her from compliance. Finally, the evidence before the court fully supports its findings and orders. The Petition is DENIED on the merits. Walker, J. We Concur: Corrigan, Acting P.J. Parrilli, J. (Not for Publication.)

**A086008 -- In re Samuel S., a Person Coming Under the Juvenile Court Law.**

Affirmed. Walker, J. We Concur: McGuiness, P.J., Parrilli, J. (Not for Publication.)

**A086595 & A088346 -- In re Willie J., a Person Coming Under the Juvenile Court Law. Social Services Agency v. Patricia W.**

The jurisdictional order is affirmed. The petition for a writ of *coram vobis* is granted. The juvenile court is directed to set aside its dispositional order and conduct further proceedings consistent with the views expressed herein. Corrigan, J. We Concur: McGuiness, P.J., Walker, J. (Not for Publication.)

**A086099 -- James R. Filstrup v. Bay Cities Crane & Rigging.**

The judgment is affirmed. Appellant to bear costs of appeal. McGuiness, P.J. We Concur: Corrigan, J., Walker, J. (Not for Publication.)

**A085475 -- Shawn G. Bautista v. Ana M. Ramirez-Palmer et al.**

The judgment is affirmed. In the interests of justice, each party to bear his or their costs of appeal. McGuiness, P.J. We Concur: Corrigan, J., Walker, J. (Not for Publication.)

Friday, March 31, 2000 (continued)

**A086770 -- The People v. Joseph Christopher Spencer.**

The judgment is reversed as to the conviction for misdemeanor receiving stolen property, count three. The judgment is modified to stay the three year concurrent sentence for receiving stolen property (count two) and the one-year concurrent sentence for providing false identification to a police officer (count six). The trial court is directed to prepare and forward to the Department of Corrections an amended abstract of judgment reflecting these modifications. In all other respects, the judgment is affirmed. Corrigan, J. We Concur: McGuiness, P.J., Walker, J. (Not for Publication.)

**A083888 -- Bertha Valencia v. Terry Michaud et al.**

We hold the trial court erred in finding that Eric's attack on Bertha was not reasonably foreseeable, and that the landlords owed no legal duty to plaintiffs. The scope of the duty proposed by plaintiffs was minimally burdensome to landlords so that the slight foreseeability of the attack was sufficient to impose upon landlords the duty to take steps to remove Eric from the apartment complex. We therefore reverse the summary judgment entered as against Bertha and remand for further proceedings. We affirm summary judgments against Eva and Juana, as they failed to present evidence to support their claims for negligent infliction of emotional distress or their claims that they were direct victims. Landlords/respondents shall pay costs on appeal. Walker, J. We Concur: Corrigan, Acting P.J. See Concurring Opinion of Parrilli, J. (Certified for Publication.)

**A081886 -- The Coogler Law Office et al. v. Charles Quackenbush as Commissioner, etc.; State Farm Fire and Casualty Company et al., R.P.I.**

The appeal is dismissed. McGuiness, P.J. We Concur: Parrilli, J., Walker, J. (Not for Publication.)

**A087588 -- In re Michael R., a Person Coming Under the Juvenile Court Law.**

The juvenile court did not err in applying the corpus delicti rule. The judgment is affirmed. McGuiness, P.J. We Concur: Parrilli, J., Walker, J. (Not for Publication.)

Friday, March 31, 2000 (continued)

Division Four

**A086342, A087649 -- In re Pedro G., a Person Coming Under the Juvenile Court Law.**

We affirm the orders. Reardon, J. We Concur: Hanlon, P.J., Poché J. (Not for Publication.)

**A086127 -- The People v. Harold David Minto.**

The judgment is affirmed. Hanlon, P.J. We Concur: Poché J., Sepulveda, J. (Not for Publication.)

**A085097 -- Concord Nissan v. Antonio Peralta, Jose Millan, state Labor Commissioner, State of California.** The order is reversed. Hanlon, P.J. We Concur: Poché J., Sepulveda, J. (Not for Publication.)

**A085965 -- The People v. Jimmie Dell Muldrow.**

The judgment is affirmed. Sepulveda, J. We Concur: Hanlon, P.J., Poché, J. (Not for Publication.)

**A084089 -- The People v. Terrence Anthony Mullins.**

This cause is remanded to the trial court with directions to amend the abstract of judgment to include 522 days of custody credit, and to forward a copy of the amended abstract to the Department of Corrections. In all other respects, the judgment of the trial court is affirmed.. Sepulveda, J. We Concur: Hanlon, P.J., Poché J. (Not for Publication.)

Division Five

**A085714 -- Donald Balkwell v. American President Lines, LTD.**

The judgment is affirmed. Haning, J. We Concur: Jones, P.J., Stevens, J. (Not for Publication.)